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**Environmental Advisory Council**  
**Wednesday, April 25, 2012**

The regular meeting of the Environmental Advisory Council was held on the above date for the transaction of general business.

EAC members present –D. Beane, R. Nieves, B. Jennings

Others present – S. Katzenmoyer, D. Hoag, J. Wood, E. Lloyd

**CALL TO ORDER**

Mr. Beane called the meeting to order at 5:32 pm.

**PUBLIC COMMENT**

None

**STEEP SLOPE**

Mr. Wood stated that the draft ordinance was sent to Ms. Katzenmoyer and circulated to EAC members. He stated that he has not heard any comments. Ms. Katzenmoyer noted that she found several small typographical errors and also requested that the reference to the City's forestry regulations be removed as there are no forestry regulations at this time.

Mr. Beane questioned the timeline for adoption. Ms. Katzenmoyer explained that after the ordinance is in final form it will take approximately 60 days for the ordinance to go through the hearing and adoption process.

Mr. Beane questioned if Mr. Wood would continue to be involved in the project after he is awarded his degree. Mr. Wood stated that he would like to stay involved to see the ordinance through to passage.

Mr. Beane thanked Mr. Wood for his hard work and effort on this ordinance and for assisting the EAC with this project. Mr. Woods thanked the EAC for allowing him the opportunity to assist.

## **RAIN BARREL REGULATIONS**

Mr. Beane stated that he has circulated the latest draft of the rain barrel ordinance and stated that Mr. Lloyd has comments and questions. He stated that this draft removes the requirement that rain barrels be located in the rear of properties and adjusts the size of the outflow to a minimum of 2 inches.

Mr. Lloyd questioned why 75 gallons was chosen as the maximum size of the barrel. He stated that cisterns can have upwards of 200 gallons and are anchored to the building. He stated that a larger capacity would allow more capture as the City moves to a storm water utility. He noted the need to collect as much as possible. Mr. Beane stated that this subcommittee met with codes and trades and they noted that the larger the size the more unstable the container becomes. Ms. Hoag noted that there could also be foundation damage due to outflow being misdirected toward properties. Ms. Katzenmoyer stated that trades was uncomfortable with the containers being anchored to buildings due to structural damage that may occur and that these regulations focus on residential uses.

Mr. Beane suggested adding an Article 2 in the future to address commercial collection systems as there are separate issues.

Ms. Katzenmoyer questioned why if a person had a small yard space they would wish to collect more than 75 gallons of water. Mr. Lloyd stated that this could be used inside for gray water applications. Mr. Beane stated that gray water was also separate from these regulations as trades insisted the water collected be used outdoors only. He stated that this could also be added at a later date.

Dr. Jennings stated that this is a starting point and would not regulate large commercial uses or gray water issues.

Mr. Beane stated that Section 28-8 allows alternatives to these regulations with approval of the City Engineer (Public Works Director).

Mr. Lloyd questioned the maximum height of 6 feet. Ms. Katzenmoyer explained that this was also requested by codes and trades as the taller a structure becomes the more unstable it becomes. She stated that 6 feet is satisfactory for a 75 gallon collection system with a platform.

Ms. Katzenmoyer suggested adding a provision that the barrels cannot block the public right of way now that they are allowed in the front of properties. Mr. Nieves agreed with the need to keep the barrels out of the public right of way.

Mr. Molteni arrived at this time.

Mr. Beane suggested that this issue be addressed with codes. Ms. Katzenmoyer stated that she will follow up.

Mr. Molteni noted his disappointment that penalties will be added for enforcement. He noted that he has no other comment on the ordinance.

Mr. Nieves noted his hope that penalties be low. Ms. Hoag suggested that a first penalty (after a warning) should include an educational component.

Mr. Beane stated that the ordinance is now under City review but that the EAC will continue to be updated. He noted the need for EAC members to address Council if necessary when they are considering its passage.

Mr. Beane reviewed the discussion regarding commercial collection systems. Mr. Molteni agreed with the need for commercial collection systems.

Mr. Lloyd questioned Section 28-7 letter J regarding the decoration of a rain barrel. He stated that in other cities barrels are brightly decorated. Mr. Beane stated that this issue was also included because of conversations with codes and trades officials. It allows for the barrels to be brightly decorated but they cannot contain offensive pictures, language or graffiti.

There was discussion of whether this regulation was necessary. Mr. Beane suggested that the regulation remain to see if there are comments by others.

### **RIPARIAN BUFFER ORDINANCE**

Ms. Katzenmoyer stated that she has not looked closely at this issue as she has other pressing special projects at this time.

### **FLOODPLAIN ORDINANCE**

Ms. Hoag stated that the new regulations must be adopted by July 3. She stated that she has refined the model ordinance provided and the current draft is in the

review process. She stated that Ms. Kelleher has begun the enactment process. She stated that the maps are better defined.

Dr. Jennings questioned if the affected property owners have been notified. Ms. Hoag stated that the City must inform those now affected and that there is a review occurring to determine who has been removed and who has been added.

Dr. Jennings questioned if the County had a GIS system. Ms. Hoag stated that they did.

Dr. Jennings suggested that this review should take five minutes.

Ms. Hoag stated that the ordinance must be passed by Council at their June 24 meeting.

### **SMARTH GROWTH ALLIANCE**

Mr. Nieves stated that he was unable to attend the last meeting. He stated that the awards event will be held in May. The winner has been notified but all nominees will be recognized.

### **BERNHART PARK UPDATE**

Mr. Beane stated that there has been a follow up meeting with EPA and DEP.

Ms. Hoag stated that the main issue remains with the need for fencing on the border between the park and the Saylor Farms Estate housing development in the steep slope area. She stated that the City has requested re-sampling of these areas. The City is concerned that the CDC's reduction of the safe lead level in children to less than 5 mg/kg may impact the remediation level. She stated that the City suggested recalculating the model to determine if 650 ppm is still acceptable. The EPA representatives stated that this was not possible but that they would check with their toxicologist. The toxicologist has been out of work due to surgery and an extension has been requested. The bad publicity for Exide if the park was re-opened and then closed for additional remediation was noted.

Ms. Hoag stated that there is an additional issue with the former construction entrance. She stated that the grass has not been restored and the cable not reinstalled. She stated that patrons are now using this area for parking.

Mr. Molteni stated that he was speaking with Commissioner Barnhart about this park. He stated that Commissioner Barnhart is unhappy with the placement of the air monitors. Mr. Molteni explained that cadmium, arsenic and lead are being monitored and none of these items are carcinogens.

Dr. Jennings questioned if Exide was fined for non-attainment. Ms. Hoag stated that they have not but that they have not yet paid the most recent fine.

Mr. Molteni questioned what type of scrubber they are using in the stacks. No one could answer this question.

Mr. Molteni noted that with new technology the emissions should be decreasing. Ms. Hoag stated that the permitted level of emissions is based on output and production levels.

Mr. Molteni noted the need to do a better job of not releasing chemicals into the atmosphere.

Dr. Jennings questioned where items that are scrubbed go. Ms. Hoag stated that they are considered toxic waste. She stated that some systems result in different waste and that these wastes are purchased and used by others.

Mr. Beane stated that he is encouraged that officials are willing to re-examine the model.

Ms. Hoag stated that they are also working together on the bridge issues and the re-opening event.

## **FLUORIDE**

Mr. Nieves stated that he distributed his rough draft via email just before this evening's meeting. He stated that it is difficult to remain neutral but that he tried to make the report a-political. He stated that there are twelve communities in Pennsylvania who have removed fluoride from their public water systems. He stated that all twelve communities made their decision based on health issues and not on costs. He described the process which needs to be followed if this issue is pursued by the City and noted that the issue is highly contested.

Mr. Beane suggested that this issue be reviewed in detail at the next meeting. He suggested that members read the draft report and comment via email before the

next meeting. He noted the need for a formal recommendation if the EAC decides to move this issue forward.

Mr. Molteni stated that there is a large amount of data available. He warned of science which is paid for by large chemical or pharmaceutical companies.

Ms. Hoag stated that there also may be health concerns and suggested that the health concerns be addressed by the Board of Health and that the EAC focus on the environmental impacts of the fluoride as it passes through the ecosystem.

Mr. Lloyd stated that the Administration has had policy discussions on this topic but that the Water Authority would make the final decision. He suggested that this is an appropriate topic for the EAC to discuss.

Ms. Hoag questioned if any of the twelve municipalities who removed fluoride from the water system delivered water outside its boundaries. Mr. Nieves stated that he believes this has occurred.

Mr. Molteni stated that studies generally show negative information. He noted his belief that fluoride does not belong in the water system because it has health implications.

Mr. Beane suggested Mr. Molteni put his data into report form and send it to Ms. Katzenmoyer to circulate. Mr. Molteni agreed and stated that the American Dental Association (ADA) has begun to put warnings on products that they should not be ingested. He stated that fluoride excess has been linked to bone fractures and tooth problems. He recommended that fluoride be removed from the water supply.

Ms. Hoag suggested that the Board of Health also be represented on this subcommittee. Ms. Katzenmoyer stated that she will follow up with that Board's liaison.

Ms. Hoag suggested that medical journals also be researched on this issue.

Mr. Beane suggested that Dr. Kimball join the subcommittee. He suggested that this topic be scheduled for one hour at the next meeting. He reminded the members that any recommendations must be tied to the issues in the EAC's enabling legislation.

## **STORMWATER ISSUES**

Ms. Hoag stated that the new permit applications have been released. She stated that the County steering committee has met with state and regional representatives regarding MS4 issues. She stated that the City is responsible for discharge into the Schuylkill River even though DEP issues the permits to those upstream. She stated that this practice is unfair. This issue is still very murky and there is much work to do.

Ms. Hoag described the problems relating to sediment and noted that this issue should be addressed based on flow.

Mr. Nieves questioned why the presentations were different. Ms. Hoag stated that different regions have different representatives who made differing comments during their presentations. She also noted the high turnover of DEP representatives in this area. Mr. Beane attributed the problems to bureaucratic inertia.

Ms. Hoag explained that other municipality's tributaries empty into the Schuylkill River but that the River is the City's responsibility. She stated that samples are taken at the outflow to the River but not where municipalities meet. She stated that the City must perform its own testing to determine who caused any problem and inform them.

## **ALTERNATE ENERGY**

Mr. Lloyd stated that Berks Solar would like to install a solar thermal system at Opportunity House. He stated that this project was attempted in 2009 but that it was not successful as the City's Administration at the time was not supportive. He stated that Berks Solar hopes to have the project completed by August 2012. He described the piping, known as pex, and stated that it is currently not allowed by the City's Plumbing Code.

Mr. Molteni questioned the temperature of the water as it can heat plastic and begin leaching out of the system. Ms. Hoag stated that this is also an issue with plastic piping at the waste water treatment plant. Mr. Lloyd stated that he did not know the water temperature.

Ms. Hoag questioned if this was a closed loop system. Mr. Lloyd stated that he believed it was. He stated that the system would not contain glycol. He stated that this will be a heating system for Opportunity House and that there are

alternatives to pex if it is not allowed by the Code. He noted the need for the City to be proactive on alternative energy sources and suggested an alternative energy ordinance. He stated that West Reading's EAC is currently working on this project and that Mr. Beane has their draft language. He stated that the West Reading draft is based on Lancaster's ordinance. He requested the EAC review this topic as it is a high priority for this Administration. He noted the need to research the issues to determine any roadblocks.

Dr. Jennings questioned the specific problems in 2009. Mr. Lloyd stated that he did not know the specifics but would follow up.

Mr. Beane requested a timeline so that the EAC could plan the topics of their upcoming meetings. He noted that it was unrealistic to believe this ordinance could be adopted by August 2012. He stated that he has a power point presentation on the legal issues of alternative energy and is willing to present it at the EAC's next meeting. He noted the possible need of deferring the discussion on fluoride.

Mr. Lloyd stated that the Mayor's sustainability committee is examining an energy strategy to encourage the private sector.

Mr. Beane stated that this ordinance will not be difficult for him to draft. He noted that to complete this project by August 2012 the work and timeline must be aggressive.

Mr. Lloyd stated that the Institute for Local Self Reliance has professionals who can also assist with this project.

## **APPROVAL OF MINUTES**

Motion was made by Dr. Jennings, seconded by Mr. Molteni, to approve the March 28, 2012 minutes as written. Motion carried unanimously.

## **OTHER**

- Buttonwood Street Bridge

Mr. Nieves stated that he attended the PennDOT presentation on this project. He stated that Ms. Goodman-Hinnershitz requested that the EAC look at this project as it will occur close to the Schuylkill River.

Mr. Acosta arrived at this time.



Mr. Nieves did not have the details of Ms. Goodman-Hinnershitz's concerns. Ms. Katzenmoyer stated that she would follow up with Ms. Goodman-Hinnershitz.

Mr. Beane stated his assumption that these issues were addressed by PennDOT through their permitting process.

- Next Meeting Date

Ms. Katzenmoyer stated that she had another commitment at 7 pm on May 22. She stated that she would need to leave the meeting at 6:45 and suggested another member continue the note-taking in her absence.

It was suggested that next month's meeting begin at 5 pm.

- Gem Show

Mr. Molteni announced that a gem show will be held at Leesport Farmer's Market on May 19 and 20 and encouraged members to attend.

The meeting was adjourned at 7:25 p.m.

The next meeting of the Environmental Advisory Council will be held on Tuesday, May 22 at 5 pm.

Respectfully submitted by  
*Shelly Katzenmoyer*  
Deputy City Clerk